

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 5, 2010**

DIVISION ONE

B221610            J.B.                                 (Not for Publication)  
v.  
Superior Court of Los Angeles  
Los Angeles County, D.C.F.S.

The order of January 8, 2010 setting a hearing pursuant to Welfare and Institutions Code section 366.26 is reversed, and the matter is remanded to the juvenile court for further proceedings consistent with the views expressed herein.

Johnson, J.

We concur:   Mallano, P.J.  
                          Chaney, J.

B219712      Hardney,      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

Therefore, let a peremptory writ issue, commanding respondent superior court, in Los Angeles Superior Court case No. BH005738, to: (1) vacate its order of July 28, 2009, ruling on Petitioner's petition for writ of habeas corpus; (2) accept the September 11, 2009 response of Petitioner as timely filed; (3) as soon as is practicable, consider the matter on its merits; and (4) issue a new order.

Rothschild, Acting P.J.      Chaney, J.      Johnson, J.

DIVISION ONE (continued)

B211932      Shalant, et al.                      (Certified for Partial Publication)  
                 v.  
                 Girardi, et al.

The judgment in B211932 is reversed, and the superior court is directed to enter a new and different order denying Girardi's and National Union's motions to dismiss. The judgment in B214302 is reversed with respect to Castro's breach of fiduciary duty claim against Shalant, and the superior court is directed to enter judgment in favor of Shalant on that claim. The judgment is affirmed with respect to the remainder of Castro's claims against Shalant and with respect to Girardi's claims against Shalant. Appellant shall recover his costs on both of these consolidated appeals.

Rothschild, Acting P.J.

We concur:   Chaney, J.  
                 Johnson, J.

DIVISION FOUR

B215200      Haskell Canyon Parners, L.P.      (Not for Publication)  
                 v.  
                 E & M Concrete Construction, Inc.

The fee award is affirmed. Each party to bear their own costs.

Manella, J.

We concur:   Epstein, P.J.  
                 Willhite, J.

April 5, 2010 (Continued)

DIVISION FOUR (continued)

B218266 Jocer Enterprises, Inc. et al. (Certified for Publication)  
v.  
Ernest Price, Ropers Majeski Kohn & Bentley

The order of dismissal is reversed solely with respect to appellants' claim for legal malpractice against Price, and the matter is remanded to the trial court with directions to permit appellants to amend their complaint in accordance with this opinion. Appellants are awarded their costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

DIVISION FIVE

B218492 Los Angeles County, D.C.F.S. (Not for Publication)  
v.  
R.C.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.  
Weisman, J. (Assigned)

B218634 People (Not for Publication)  
v.  
A.G.

The maximum period of physical confinement is ordered stricken from the disposition order. The disposition order is otherwise affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.  
Weisman, J. (Assigned)

April 5, 2010 (Continued)

## DIVISION FIVE (continued)

B216491 People (Not for Publication)  
v.  
Nicholas Zane

The \$10 section 1202.5, subdivision (a) fine is reversed. We remand to the trial court to determine whether defendant has the ability to pay that fine plus the additional sums discussed in the body of this opinion. Based on its determination, the trial court shall impose the full section 1202.5, subdivision (a) fine plus the additional sums; a less fine plus the additional sums; or no fine. In all other respects, the judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Weisman, J. (Assigned)

## DIVISION SEVEN

B210240      People  
                    v.  
                    Keating

Filed order granting petition for rehearing. The matter will be set for oral argument by this court on June 3, 2010 at 9:00 a.m.

## DIVISION EIGHT

B207480      People                                  (Not for Publication)  
v.  
Curtis Gibson

The judgment is affirmed.

Flier, J.

We concur: Bigelow, P.J.  
Lichtman, J. (Assigned)

DIVISION EIGHT (continued)

B215559 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Renee B., et al.

In re Krystin B., a Person Coming Under The Juvenile Court Law.

The juvenile court's order placing Krystin in an out-of-home placement is affirmed. The juvenile court's order requiring drug testing is reversed and the matter is reversed and this matter is remanded for further proceedings in accordance with this opinion.

Bigelow, P.J.

We concur: Rubin, J.

Flier, J.

B210444 County of Los Angeles (Not for Publication)

v.

La Vina Homeowners Association

The judgment and order awarding attorney fees are affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Bigelow, P.J.

Lichtman, J. (Assigned)

B221985 Los Angeles County, D.C.F.S.

v.

J.S.

B222541 Los Angeles County, D.C.F.S.

v.

J.S.

Filed order consolidating above captioned appeals.

April 5, 2010 (Continued)

DIVISION EIGHT (continued)

B220081     People  
              v.  
              Acevedo et al.

B218503     People  
              v.  
              Acosta et al.

Filed order consolidating above captioned appeals.